

**Agency Response to DLS Analysis
DA2.01 – Office for Individuals with Disabilities
2005 Budget Hearings
Health and Human Resources Subcommittee
House Appropriations Committee
January 28, 2004**

Chairman Mitchell and Members of the House Appropriations Sub-Committee on Health and Human Resources:

The Governor's Office for Individuals with Disabilities is pleased to respond to the analysis by Department of Legislative Services of the Governor's allowance for OID. Also included are responses to the various recommendations made regarding the proposed Department of Disabilities.

The current budget climate presents immense challenges to everyone. The proposal to elevate the existing Office for Individuals with Disabilities to a cabinet-level department presents a cogent solution to the somewhat chaotic process of funding services to nearly 20% of Maryland's citizens – those with disabilities. Contrary to the assumption that the newly proposed Department of Disabilities expands government, its intent is the opposite. The work of the new Department is charged with overseeing the funding and implementation of disability services, including recommending the consolidation of programs that are duplicative, streamlining the process of grant submissions to federal agencies, and holding all of Maryland government accountable to strategically assess how many people are waiting for services, where there are gaps in services, and whether or not the services provided are in fact services that are meaningful to people with disabilities.

Maryland currently spends in excess of \$2.5 billion dollars on services to people with disabilities. Programs are found across all levels of government, yet there has never been a consolidated process to plan for future needs, nor strategically collaborate among the various departments to accomplish common goals. As an example, Maryland has more than seven attendant care or personal assistance programs that are housed in three departments. Each has different criteria for eligibility and processes to apply for services. Among those programs, there is an estimated \$20 million that is unmatched with federal dollars. This is just one of the arenas that could potentially benefit from the work of the new department.

The 2000 census reports that 17% of Marylanders between the ages of 20 and 65 identify themselves as having a disability that substantially limits their ability to perform one or more daily functions necessary for independence. For people over 65, 39% report having a disability. MSDE acknowledges that 15% of children in school have an IEP or 504 plan to accommodate disability.

Given that each person with a disability most likely has at least one family member (if not more) who is equally affected by those circumstances, it is incumbent upon Maryland government to proceed boldly to meet the future expectations of Maryland's citizens. We can and must do

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better than we have in the past. We must aggressively strategize to streamline the way in which Maryland provides services and supports to its citizens with disabilities.

Responses to the analyst's comments follow. Please let us know what additional information might be helpful to your work.

Analyst Recommendation: The Department of Legislative Services recommends that the funding for the new positions and associated costs of the proposed new cabinet-level Department of Disabilities be deleted for fiscal 2005.

Response to Recommendation: The establishment of the new Department along with its proposed budget will result in long-term savings to the state while simultaneously improving services for people with disabilities. The Department of Disabilities will have the authority and charge to improve, consolidate, coordinate, and unify services. To accomplish this, the Department will need a modest compliment of staff with acutely honed expertise and skills. Maryland's investment in the new Department of Disabilities will likely reap rich results almost immediately with greater efficiency and pro-active strategies rather than reactionary responses to a community long marginalized and fragmented by State budgetary practices.

Please reference the Proposal to Create the Department of Disabilities to obtain a more comprehensive and detailed description of the Department and its benefits to the state, the public, and the disability community.

Analyst Observation #1: Much as OID does now, the new department will empower individuals with disabilities; develop a strategic plan; analyze existing disability services; maximize federal funding through a new Office of Research and Evaluation (ORE); prepare disability impact statements; develop a unified approach to grant-writing; unify compliance with Americans with Disabilities Act (ADA) pursuant to Olmstead, provide independent monitoring of other State agencies; and increase community outreach.

Response #1: While the new Department will be charged with these and other responsibilities, its mission and authority are significantly different from OID's and its prior efforts. The new Department of Disabilities will differ significantly from the current Office for Individuals with Disabilities both statutorily and in practice. OID has primarily provided constituent services, participated on workgroups, provided limited training, coordinated the work of the Governor's Committee on the Employment of Persons with Disabilities, and administered the Maryland Access program as well as the Disability Access Card.

In contrast, the Department of Disabilities will have the statutory authority to annually develop Maryland's Statewide Disability Implementation Plan. The plan will require each unit of state government to annually address strategic goals and performance objectives for programs and services for people with disabilities. They must also evaluate services to people with disabilities

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assessing consumer satisfaction, identifying the numbers of individuals waiting for services, where gaps in service exist and the progress made on achieving performance objectives. No such tool exists in Maryland government today. The benefit of such a plan and the accompanying data gleaned from the ongoing nature of this Department's work will prove extremely useful in crafting future budgets and strategically planning for the next generation of disability services for a much larger sub-sector of Maryland's population than in the present. The plan represents a significant departure from OID's historical efforts.

The new Department of Disabilities will have the authority to review proposed regulatory changes, to review and concur with grant applications that are disability specific, and to evaluate the performance of programs. These and other statutory changes represent a significant change to OID's historical role within state government, and move well beyond studying and coordinating the policies of existing programs.

Analyst Observation #2: The recommendations of the Community Access Steering Committee (CASC) set forth a comprehensive plan for improving disability resources to Maryland citizens.

Response #2: The CASC report is limited in scope, lacking concurrence within the disability community. It lacks essential goals, timelines, and an adequate funding re-allocation proposal. The Community Access Steering Committee (CASC) was charged through executive order to respond to the Supreme Court's Olmstead decision by developing a comprehensive plan to increase community access opportunities for people with disabilities. The report is limited in its scope, focusing primarily on Olmstead. In contrast, the Department of Disabilities will be charged with overseeing all services for people with disabilities, including many that are not specifically addressed in the Olmstead Supreme Court decision.

In an extensive minority report, the CASC report was whole-heartily rejected by the disability community citing a lack of strategies to address the critical issues raised. The report stated, "despite direction from the U.S. Supreme Court, guidance and technical assistance from the federal government, and a mandate from the Governor, the CASC failed to produce anything resembling a comprehensive plan." Some members of the CASC also agree that they failed to meet their charge. A lack of clear timelines and goals; an absence of proposals to reallocate funds; a lack of comprehensive planning, and other oversights make implementing the CASC report unwise and contrary to the will of the disability community and many other stake holders. Finally, the CASC report does not address more recent systems barriers and strategies to resolve them.

Analyst Observation #3: The interagency workgroup recommended in the CASC report could coordinate services in place of the proposed Department.

Response #3: The CASC proposed interagency work group would lack the authority and practical means to achieve meaningful results.

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The interagency workgroup proposed in the CASC report would lack meaningful authority to truly improve, unify, and coordinate services. Units of state government would not be required to follow, implement, or plan for the group's recommendations. In addition, participants would more than likely not possess the authority to make decisions and to take action. Although a work group could have good ideas, without the authority to implement them, they will fall victim to numerous other reports and white papers that line our State libraries. Practically, the interagency work group (being comprised of state representatives already obligated to fulfill their existing job responsibilities) would have little time to oversee, to implement, and to evaluate program performance. Similar interagency efforts (such as the state Olmstead Committee—constructed almost exactly as the proposed interagency work group) failed to achieve systemic and meaningful results for these very reasons.

Analyst Observation #4: One of the new positions would be a grant coordinator position. However, the Department of Planning and the newly created Governors Grants Office already manage this function for the State.

Response #4: It is true that one of the new positions is for a grants coordinator. The Office of Research and Evaluation will gather data on an ongoing basis that will be crucial to the successful grant submissions that are disability specific by State agencies. This office will host a bank of data and focused time-intensive support needed to write and submit quality grant applications.

While the Governor's grant office will help to identify grant opportunities, it will not possess the manpower to write and to compile relevant data. In contrast, the proposed grants coordinator will provide state agencies with support (including writing of the grant when necessary), technical assistance, and relevant data requisite to complete an application. Maryland might have attained significantly more grant funding from CMS/HHS in their latest round of Systems Change RFPs under the Federal New Freedom Initiative had this office been functioning.

Analyst Observation #5: OID should respond to the Mandel Commission's recommendation to merge the Office of the Deaf and Hard of Hearing (ODHH) into the new Department.

Response #5: The Governor continues to assess and review the applicability of the Commission's recommendations while simultaneously considering the deaf community's needs. The Governor's review of the Mandel Commission's recommendations requires input and feedback from those most impacted. The deaf community is committed to maintaining ODHH's autonomy consistent with the legislative passage of the statute that established it two years ago. Nonetheless, to effectively advocate for the unique needs of individuals who are deaf or hard of hearing, and to foster coordination, plans are in place to co-locate ODHH with the new Department of Disabilities (pending approval of the proposed budget). Physically locating

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ODHH with the Department of Disabilities will help to maximize resources and effort while reducing duplication.

Analyst Observation #6: ***Maryland Technology Assistance Program Grant Subject to Federal Reauthorization in Federal Fiscal 2004:*** The OID Technology Assistance Program will likely continue, even if an omnibus appropriations bill does not pass in the U.S. Congress in January 2004. If the omnibus bill does not pass, the federal government is likely to adopt another bill that would continue funding at current levels.

Response #6: The Federal Funding Omnibus Bill was recently passed by both the US Senate and House and signed into law by President Bush. It includes continuation funding for the Maryland Technology Assistance Program (MD TAP) with a 3% reduction through September 30, 2005.

Analyst Observation #7: The numbers of grant proposals submitted and funded rise only slightly, while the amount of funding acquired decreases sharply.

Response #7: This relates to the Assistive Technology Guaranteed Loan Program located within MD TAP. In FY2002, OID/MD TAP successfully competed for Federal funding, bringing into Maryland an additional \$1.1M to support this Program. In FY04 a budget amendment will be introduced resulting from OID/MD TAP's being awarded approximately \$500,000 in private foundation funds and \$2M in Federal funds.